

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-against-

ORDER

04 cr 1060 (S-1)-02 (RJD)

ANTWON JONES,

Defendant.

-----X
DEARIE, Chief Judge.

On November 17, 2008, defendant moved to be re-sentenced pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. 1B1.10 (as amended, effective Mar. 3, 2008), which retroactively lowered the base offense level applicable to cocaine base (“crack”) offenses. The Court has reviewed defendant’s request, together with the government’s response.

On March 21, 2007, defendant pleaded guilty to one count of a twelve-count superceding indictment, charging defendant, among others, with distributing 50 grams or more of cocaine base between January 2004 and July 2004. On August 6, 2007, this Court sentenced defendant to 70 months imprisonment and 3 years supervised release.

The government does not dispute that Amendment 706 applies, reducing the applicable guideline range to 57 to 71 months. The government also acknowledges that a sentence at the bottom of the adjusted Guidelines range would be reasonable in this case, particularly considering defendant’s favorable record while in custody. It is accordingly within the Court’s discretion to reduce defendant’s sentence.¹ The Court therefore orders that the defendant’s sentence be reduced to 57 months.

¹See Section 1B1.10(a)(3) (“[P]roceedings under 18 U.S.C. § 3582(c)(2) and this policy statement do not constitute a full resentencing of the defendant” and defendant “need not be present” when the proceeding involves a reduction of defendant’s sentence).

The Clerk of the Court is directed to prepare and file an Amended Judgment and to transmit a copy to the United States Sentencing Commission.

SO ORDERED.

Dated: Brooklyn, New York
April 30, 2009

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge